

Dianne C. Kerns, Trustee
Office of Chapter 13 Bankruptcy
PMB #413
7320 N. La Cholla #154
Tucson, AZ 85741
Telephone (520) 544-9094

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

| | | |
|---------------------------|---|---|
| IN RE: |) | CHAPTER 13 PROCEEDINGS |
| |) | |
| AMY HUNTER STEPHENS |) | CASE NO.: 10-00627-TUC-EWH |
| WARREN EDWARD STEPHENS JR |) | |
| |) | |
| |) | TRUSTEE'S MOTION TO DISMISS |
| |) | FOR DELINQUENT PLAN PAYMENTS |
| |) | and |
| |) | NOTICE OF INTENT TO LODGE |
| DEBTORS |) | ORDER DISMISSING CASE <u>WITHOUT</u> |
| | | <u>A HEARING;</u> |

**PLEASE READ THIS MOTION / NOTICE CAREFULLY
THIS MOTION MAY BE GRANTED WITHOUT FURTHER NOTICE OR HEARING
YOUR RIGHTS MAY BE ALTERED BY FAILING TO RESPOND**

Dianne C. Kerns, Trustee in the above-captioned estate, hereby moves the Court for an order dismissing the above-captioned case on the grounds that the Debtors are delinquent in one or more plan payments (1). **The amount of the current plan payment delinquency is: \$7,230.00.** The Trustee hereby gives notice of her intent to lodge an order dismissing this case, **without further notice of hearing**, unless the Debtors complete one of the following **within 30 days of the mailing of this motion:**

- (a) Make payment to the Trustee of the full amount stated as delinquent PLUS any additional amounts that subsequently come due. (2)
- (b) File and serve a notice of conversion to Chapter 7; or
- (c) File and serve a request for a moratorium of delinquent plan payments (preferably in the form of an amended/modified plan using Local Plan form 13-2)

If the Debtors fail to timely do one of the above, the Trustee is specifically authorized to upload an order dismissing the case and **the Court may summarily dismiss the case without further notice or hearing.** LRB^P 2084-15 (3)

Dated: April 14, 2011

/s/ Dianne C. Kerns 011557

Dianne C. Kerns, Esq.
Chapter 13 Trustee

CASE NO.: 10-00627-TUC-EWH

Copy of the foregoing electronically filed with U.S. Bankruptcy Court this April 14, 2011
All parties will receive notice from the court including the following:

AMY HUNTER STEPHENS
WARREN EDWARD STEPHENS JR
5600 E TERRITORY DR
TUCSON, AZ 85750

KATHRYN JOHNSON
LAW OFFICE OF KATHRYN L JOHNSON
4337 E FIFTH ST
TUCSON, AZ 85711

Prepared by Betty Norton

1 See Local Rules of Bankruptcy Procedure for the District of Arizona ("LRBP") Rule 2084-15. The Court provided notice of the local rules at commencement of this case in a document entitled "Notice of Certain Provisions of Local Bankruptcy Rules 2084-1 through 2084-26", which document was attached to the "Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, deadlines." The local rules may also be viewed at www.asb.uscourts.gov

2 Payments should be mailed to Dianne C. Kerns, Trustee, P.O. Box 366, Memphis TN 38101-0366. Cashiers checks or money orders only. Debtors do not need to send a confirmation copy of payments to the Trustee's office. Debtors may confirm that the Trustee has received payments by logging onto www.13datacenter.com or www.13network.com. In general, the information on these websites is 24-hours old.

3 Not earlier than 30 + 7 days after the mailing of this motion, the Trustee will determine whether to upload an order dismissing by (1) reviewing the court docket for conversions, extensions, objections, and/or moratoriums; and (2) reviewing the status of plan payments received by the Trustee's bank. The Debtors may object to the proposed dismissal order, by following the procedures in LBRP 2084-16. If the Court dismisses the case on this motion, the Debtors may seek reinstatement by following the procedures in LBRP 2084-17. The Trustee will only approve the reinstatement if the plan payments are current. If the Trustee does not approve the order of reinstatement the Debtors must set the reinstatement for hearing.

RECEIPT HISTORY

| RECEIPT DATE | RECEIPT SOURCE | RECEIPT DESCRIPTION | RECEIPT AMOUNT |
|-----------------------|----------------|-----------------------------|------------------|
| Feb 10, 2010 | 008182928 | CASHIER'S CHECK FROM DEBTOR | 2,402.00 |
| Mar 10, 2010 | 008493604 | CASHIER'S CHECK FROM DEBTOR | 2,402.00 |
| Apr 12, 2010 | 008366666 | CASHIER'S CHECK FROM DEBTOR | 2,402.00 |
| May 10, 2010 | 008371942 | CASHIER'S CHECK FROM DEBTOR | 2,402.00 |
| Jun 14, 2010 | 9216003770 | CASHIER'S CHECK FROM DEBTOR | 2,402.00 |
| Jul 12, 2010 | 008613299 | CASHIER'S CHECK FROM DEBTOR | 2,402.00 |
| Aug 16, 2010 | 008692103 | CASHIER'S CHECK FROM DEBTOR | 2,410.00 |
| Sep 13, 2010 | 008692251 | CASHIER'S CHECK FROM DEBTOR | 2,410.00 |
| Oct 12, 2010 | 008643663 | CASHIER'S CHECK FROM DEBTOR | 2,410.00 |
| Dec 06, 2010 | 008656288 | CASHIER'S CHECK FROM DEBTOR | 2,410.00 |
| Jan 18, 2011 | 008736533 | CASHIER'S CHECK FROM DEBTOR | 2,410.00 |
| Feb 22, 2011 | 008932827 | CASHIER'S CHECK FROM DEBTOR | 2,410.00 |
| TOTAL RECEIPTS | | | 28,872.00 |